

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)
)
<i>ex rel.</i>)
)
THE BENDS LLC)
)
<i>Plaintiffs,</i>)
)
v.)
)
ATLANTIC DIVING SUPPLY, INC. ;)
TRUE NORTH ENTERPRISES;)
SAFETY AND SECURITY)
INTERNATIONAL;)
LUKE HILLIER;)
JASON WALLACE;)
BRANT FELDMAN;)
RYAN ANGOLD;)
JOHN DUNN;)
VINCENT MORAN;)
KEVIN MORAN;)
DAVID BOHANNAN;)
and TODD DIX;)
)
<i>Defendants.</i>)
)

**FILED UNDER SEAL PURSUANT
TO TITLE 31 U.S.C. 3729 et seq.**

FILED EX PARTE

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” Id. Therefore,

the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim.

The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

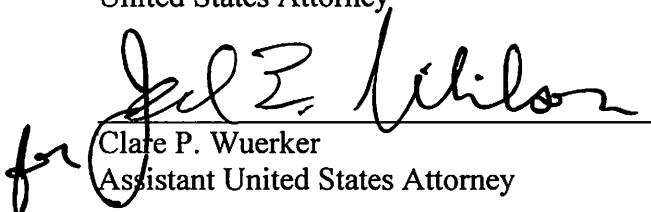
DATED this 9th day of March, 2022.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

JESSICA D. ABER
United States Attorney

By:


Clare P. Wuerker
Assistant United States Attorney

United States Attorney's Office
Counsel for the United States
2100 Jamieson Ave.
Alexandria, VA 22314
Telephone – 703-236-3850
Facsimile – 703-299-3983
E-Mail - Clare.Wuerker@usdoj.gov

JAMIE A. YABELBERG
ROBERT MCAULIFFE
ROBERT E. CHANDLER
Attorneys, Civil Division
United States Department of Justice
P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
E-mail: Rob.Chandler@usdoj.gov

**ATTORNEYS FOR THE
UNITED STATES OF AMERICA**